



# Committee on Ordinances

May 16, 2007 – 7:00 pm – **Agenda**  
City Council Chamber, Room 214, Municipal Building

## View Minutes

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1. Public Hearing, CONTINUED, on a WRITTEN MOTION, Councillor Gomes, on behalf of Mr. Michael Pimentel, requesting that the ZONING on Plot 12, Lot 4 and Plot 14, Lots 37, 91, 125, 160, 161 and 162 be changed from Residence B to MIXED-USE BUSINESS IN THEIR ENTIRETY. (Ref'd 2/8/07, duly advertised in The Standard-Times on 3/7/07 and 3/14/07, 3/21/07 - continued to 5/16/07 meeting)
- 1a. Communication, David Kennedy, City Planner to Councillor Gonsalves, Chairperson Committee on Ordinances, informing the Committee that the Planning Board held a Public Hearing on 3/20/07 to discuss the change in zoning on Plot 12, Lot 4 and Plot 14, lots 37, 91, 125, 160-162, from Residence "B" to Mixed-Use Business. The Planning Board voted to **TABLE** this matter in order to allow the Petitioner to meet with the neighbors.

**INVITEES: City Planner, David Kennedy; Atty. David J. Gerwatowski; City Solicitor, Atty. Irene B. Schall; Abutters**

2. Written Motion, Councillor Gonsalves, requesting on behalf of Mr. Norbert Demers of 11 Morelands Terrace that the Committee on Ordinances take up the matter of providing a discount to owner-occupied residential properties, as is done in eleven other cities and towns in the State of Massachusetts. (Ref'd 1/12/06, 7/19/06 send letters to other cities, 6 responses as of 1/19/07)

**INVITEES: Norbert Demers; Dr. John Wolkowicz; Administrative Assistant to the Assessor's, Peter S. Barney**

3. Related Motion, Councillor Morad, that the Ordinance Committee explores the current process of granting livery licenses and renewals here in the City. (Ref'd 2/23/06, tabled 5/18/06, remain in committee 10/11/06, not heard remain in committee 11/28/06, tabled to next meeting 4/18/07– invite Police Chief & City Clerk)

**INVITEES: Deputy Police Chief, Kevin Hegarty; City Clerk, Rita Arruda**

4. Written Motion, Councillor Gomes, requesting that the City Council Committees on Public Safety and Ordinances, meet to discuss an Ordinance, or possibly a Home Rule Petition, that would confiscate cars belonging to "Johns" who are actively involved with prostitution on the streets of the City of New Bedford; and further, that said law be modeled after the Portland, Oregon Law that, on the first offense, the person must sign a form that allows for forfeiture of their car when a second offense of soliciting prostitution occurs. (Ref'd 3/23/06, remain in committee 10/11/06, not heard 11/28/06 remain in committee)

**INVITEES: City Solicitor, Atty. Irene B. Schall; Atty. David J. Gerwatowski**

5. Written Motion, Councillor Pina, requesting that the Ordinance Committee look into revising and/or rescinding the Ordinance prohibiting property owners from having recreational vehicles or other items parked or stored on their property. (Ref'd 4/11/06, tabled 11/8/06, not heard 11/28/06 remain in committee)

**INVITEES: City Solicitor, Atty. Irene B. Schall; Atty. David J. Gerwatowski**

6. Written Motion, Councillor Saunders, asking that the Council's Legislative Counsel meet with the City Council in the Committee on Ordinances regarding the City Code and the issue of Special Permits. (Ref'd 5/23/06, referred to City Solicitor and Legal Counsel to be heard at next meeting - 6/28/06, memo written to Councillor Saunders re: Special Permits)

***INVITEES: City Solicitor, Atty. Irene B. Schall; Atty. David J. Gerwatowski***

7. COMMUNICATION, Mayor Lang, to City Council, submitting an ORDER and request at the fee for a municipal lien certificate under Massachusetts General Law, Chapter 60, Section 23, be amended as authorized under Chapter 40 Section 22F; for land of less than one acre upon which there is no permanent structure, a fee of fifty dollars; for land upon which is situated no more than a single family residence and outbuildings, a fee of fifty dollars; for land upon which is situated no more than a two family residence and outbuilding, a fee of fifty dollars; for land upon which is situated no more than a three family residence with outbuildings, a fee of fifty dollars; for and upon which is situated a residence for four or more families, a fee of one-hundred dollars; for land upon which is situated commercial, industrial or public utility structure; a fee of one hundred fifty dollars; for farms, forest land and all other real estate, a fee of one hundred dollars; for all properties obtaining a municipal lien certificate in conjunction with a permit, a fee of twenty-five dollars. In no case shall the fee exceed one half of one percent of the assessed value of the real estate and money so received shall be paid into the City's general fund. (Ref'd 6/22/06, not heard 11/28/06 remain in committee)

- 7a. ORDER, that the fee for a municipal lien certificate under Massachusetts General Law, Chapter 60, Section 23, be amended as authorized under Chapter 40 Section 22F. (Ref'd 6/22/06, not heard 11/28/06 remain in committee)

***INVITEES: City Solicitor, Atty. Irene B. Schall; Atty. David J. Gerwatowski***

8. ORDINANCE, Amending Chapter 6, Buildings and Other Structures. (Communication attached)(Ref'd 7/20/06, not heard 11/28/06 remain in committee)

***INVITEES: City Solicitor, Atty. Irene B. Schall; Atty. David J. Gerwatowski***

9. WRITTEN MOTION, Councillor Saunders, asking that the Committee on Ordinances review and re-examine Chapter 19, Section 19-25, of our City Code with respect to residency/residency waivers and requirements for City employees and members of the City's Boards and Commissions. (Ref'd 9/14/06, Referred to Legal Counsel for review with Counc. Saunders - 11/8/06)

***INVITEES: City Solicitor, Atty. Irene B. Schall; Atty. David J. Gerwatowski***

10. COMMUNICATION, City Solicitor Schall, to City Council, submitting AN ORDINANCE, amending Chapter 2, Administration, by ADDING Article XVII, Sections 2-235 through 2-237; the proposed Ordinances establishes the CHIEF FINANCIAL OFFICER'S appointment, duties and qualifications. (Ref'd 10/26/06, not heard 11/28/06 remain in committee, tabled 3/21/07, tabled 4/18/07)

- 10a. AN ORDINANCE,

***INVITEES: City Solicitor, Atty. Irene B. Schall; Atty. David J. Gerwatowski***

11. COMMUNICATION, City Solicitor Schall, to City Council, submitting AN ORDINANCE, amending the Unit C Schedule to replace "Treasurer M-13" with "Treasurer M-14." (Ref'd 10/26/06, not heard 11/28/06 remain in committee, tabled 3/21/07, tabled 4/18/07)

- 1 1a. AN ORDINANCE,

***INVITEES: City Solicitor, Atty. Irene B. Schall; Atty. David J. Gerwatowski***

12. WRITTEN MOTION, Councillor Morad, requesting that the Committee on Ordinances amend Chapter 9, Section 3100, Subsection 3149, Parking and Loading, to strike the wording, “no fee of any kind shall be charged or imposed by the Special Permit Authority to the applicant of a Special Permit applied for under this Section.” (Ref’ 11/21/06)

***INVITEES: City Solicitor, Atty. Irene B. Schall; Atty. David J. Gerwatowski***

13. Written Motion, Councillors Lawrence, Gonsalves, Alves, Pimental, Pina, Coelho, Morad, Saunders, DeMedeiros, Koczera, and Gomes, requesting that an Ordinance be drafted by the City Council removing the appointing authority for its Legal Counsel from the jurisdiction of the Administration; and further, that the Ordinance state the responsibility and approval for the appointment of the Legislative Counsel to the City Council solely rest with the City Council itself. (Ref’d 3/8/07, referred to Legal Counsel 3/21/07)
- 13a. COMMUNICATION, David Gerwatowski, Legislative Counsel to Councillor Gonsalves, Chairperson, Committee on Ordinances, submitting draft Ordinances relative to the altering of appointing authority for the Legislative Counsel. (Ref’d 4/4/07)
- 13b. Proposed Ordinance – Relative to Administration. (Legislative Counsel) (Ref’d 4/4/07)

***INVITEES: Atty. David J. Gerwatowski***

14. Written Motion, Councillors Lawrence, Gonsalves, Alves, Pina, Coelho, Morad, Saunders, Koczera, DeMedeiros, Gomes, and Pimental, requesting that an Ordinance be drafted by the City Council removing the appointing authority for its Assistant Clerk of Committees from the jurisdiction of the Administration; and further, that the Ordinance state the responsibility and approval for the appointment of the Assistant Clerk of Committees solely rest with the City Council. (Ref’d 3/8/07, referred to Legal Counsel 3/21/07)
- 14b. COMMUNICATION, David Gerwatowski, Legislative Counsel to Councillor Gonsalves, Chairperson, Committee on Ordinances, submitting draft Ordinances relative to the altering of appointing authority for the Assistant Clerk of Committees. (Ref’d 4/4/07)
- 14c. Proposed Ordinance – Relative to Administration. (Assistant Clerk of Committees) (Ref’d 4/4/07)

***INVITEES: Atty. David J. Gerwatowski***

15. WRITTEN MOTION, Council President Pimental and Councillor Saunders, requesting that the Ordinance Committee and the City Council’s Legal Counsel draft an Ordinance establishing a RED LIGHT CAMERA SAFETY PROGRAM for the City of New Bedford. (Ref’d 2/8/07, refer to Legal Counsel for drafting 3/21/07)
- 1 5a. COMMUNICATION/PACKETS/BROCHURES, Council President Pimental, submitting American Traffic Solutions, Inc. Photo Traffic Safety & Enforcement Solutions – re: Red Light Camera Systems; Presentation – re: Red Light Camera Safety Program and System - January 2007. (Ref’d 2/8/07, rpf 3/21/07)
- 1 5b. COMMUNICATION, David Gerwatowski, Legislative Counsel to Councillor Gonsalves, Chairperson, Committee on Ordinances, submitting draft Ordinances relative to a camera safety program. (Ref’d 4/4/07)
- 1 5c. Proposed Ordinance – Relative to Traffic Enforcement. (Red Light Camera Safety Program)(Ref’d 4/4/07)

***INVITEES: Atty. David J. Gerwatowski***